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Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

**VICKI WEST and WENDY FAGUNDES,**  
individually, and on behalf of all others  
similarly situated,

Plaintiffs,

v.

**CIRCLE K STORES, INC.,** a foreign  
corporation

Defendant.

Case No. CIV.S-04-0438 WBS GGH

**STIPULATION AND ORDER TO  
CONVERT HEARING ON CLASS  
CERTIFICATION MOTION TO  
PRELIMINARY APPROVAL OF  
SETTLEMENT**

Date: June 12, 2006

Time: 1:30 p.m.

Courtroom: 5

**STIPULATION**

Plaintiffs Vicki West and Wendy Fagundes, on behalf of themselves and two proposed classes, and Defendant Circle K Stores, Inc., by and through their respective counsel of record, have agreed to a settlement in principle that they are currently documenting which would resolve all claims asserted by Plaintiffs and the classes they seek to represent. Accordingly, the parties hereby request the Court to convert the June 12, 2006 class certification hearing to a hearing on Plaintiffs' Motion for Preliminary Approval of the Settlement. Pursuant to the Court's instruction, Plaintiffs' Unopposed Motion For Preliminary Approval of this settlement, along with all accompanying documents and exhibits, will be filed before noon on Friday, June 2, 2006. Furthermore, for the convenience of all involved, the parties hereby request the Court also change the time of the scheduled June 12, 2006 status conference, currently set for 9:00 a.m. to 1:30 p.m.

Dated: May 31, 2006

MCINERNEY & JONES

By: /s/  
Charles A. Jones, Esq.  
Attorneys for Plaintiffs

Dated: May 31, 2006

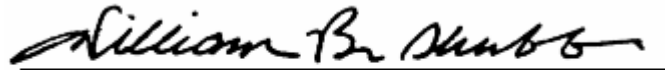
DEWEY BALLANTINE LLP

By: /s/  
Matthew M. Walsh, Esq.  
Attorneys for Defendant Circle K Stores, Inc.

**ORDER**

Based upon the foregoing stipulation of the parties, and good cause appearing, it is hereby ORDERED that the June 12, 2006 hearing on Plaintiffs' Motion for Class Certification shall be converted to a hearing on Plaintiffs' Motion for Preliminary Approval of the Settlement, and that the status conference currently set for 9:00 a.m. on June 12, 2006 in Courtroom 5 shall be moved to 1:30 p.m.

Dated: June 1, 2006



WILLIAM B. SHUBB  
UNITED STATES DISTRICT JUDGE